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August 16, 2023

VIA ECF

Hon. John G. Koeltl
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Kaplan v. Comedy Partners, No. 1:22-CV-09355-JGK
Joint Letter-Motion for Adjournment of Pre-Motion Conference

Dear Judge Koeltl:

We represent defendant Comedy Partners in the above-captioned matter. Pursuant to Rule I.E of the Court's Individual Practices, we write jointly with Plaintiff's counsel to request that the parties' pre-motion conference, which is presently scheduled for September 21, 2023, at 2:30 p.m., be adjourned until November 30, 2023, or such other date thereafter at the Court's convenience. The requested extension is to allow the parties to continue their settlement discussions and conduct mediation proceedings scheduled for September 19, 2023, as described more fully below.

As the Court may recall, in addition to the present action, another putative class action currently pending in the Southern District of New York involves substantially similar allegations against Comedy Partners: *Zimmerman v. Paramount Global et al.*, No. 1:23-cv-02409 (assigned to the Hon. Vernon S. Broderick). In that case, as here, plaintiffs allege a range of claims against Comedy Partners all deriving from the same or substantially similar fact pattern relating to a transaction entered into by Comedy Partners with SiriusXM that allegedly deprived the plaintiff comedians/artists of monies and royalties which they claim were due to them based on, among other things, the recording agreements between the artists and Comedy Partners.

The parties in the *Kaplan* and *Zimmerman* actions have been engaged in preliminary settlement discussions and data exchanges incident to same. The parties in both of these actions believe that joint mediation proceedings may facilitate early resolution of both actions and have scheduled a joint mediation session before the Hon. Louis Meisinger on September 19, 2023. We therefore request that the pre-motion conference be adjourned for several weeks until November 30, 2023, in order to allow the parties to continue their discussions, gather and exchange additional data, and conduct mediation proceedings without incurring potentially unnecessary litigation costs (and unnecessarily burdening the Court).

The instant letter motion is the parties' fifth requested adjournment of the pre-motion conference. The Court has granted these previous adjournment requests, and pursuant to the

August 16, 2023

Page 2

Court's most recent Order, entered May 18, 2023, the pre-motion conference is presently set for September 21, 2023, at 2:30 p.m. There are no other scheduled dates in this action.

Thank you for consideration of this matter.

Respectfully,

/s/ Kenneth L. Steinthal

Kenneth L. Steinthal

cc: All Counsel (via ECF)

The pre-motion telephone conference is adjourned to **Friday, December 1, 2023, at 11:30 a.m.**

SO ORDERED.

New York, NY

August 17, 2023

/s/ John G. Koeltl

John G. Koeltl, U.S.D.J.